

Town of *Dunstable* Selectboard
Meeting Minutes
June 21, 2022
Town Hall, Dunstable, MA 01827

Convened: 4:30 pm

Present: Kieran D. Meehan, chair, Ronald J. Mikol, vice chair, Leah D. Basbanes, member(s); Paul Zbikowski, Interim Fire Chief; Joan Simmons, Planning Board; Anne Davis, Historical Commission; Harold Simmons, Advisory Board; Jon Swift, Dunstable Theater Group; Patrick Kerrigan, Fire Captain; Rafael Cabanas, Fire Lieutenant ; Erica Flynn, 350th Anniversary Committee

Call to Order & Public Forum

Mr. Meehan called the meeting to order. He then briefly went over the agenda which included the Annual Appointments & Possible Determination on Fire Chief, Interviews with Town Clerk Candidates, Discussion Regarding a Proposal to Replace the Chairs in the Grand Hall, Review & Acceptance of the Management Letter from the Auditors, Contingency Planning for Any Potential Failure of the Special Town Election, American Diabetes Associations Request for Approval of 2022 Event, and an Executive Session.

- Ms. Simmons mentioned an unsightly mess in the Center of Town. There is some vegetation that needs to be addressed. She's mentioned it to both the Roads Commission and to the Highway Dept. Superintendent. The Board reminded her that there is a lot going on in the Center at the moment. Further, some things are the responsibility of the towns landscaping company. She clarified she is discussing the stone wall below the Union School. The Board conceded that this area needs to be addressed and promised to look into the matter further.

Interviews with Town Clerk

- *Ellen Faiella*

Mr. Meehan excused himself from deliberations on the grounds of knowing this candidate personally. Mr. Mikol then acted as chair for this portion of the meeting. The Board asked some questions about Ms. Faiella's resume including some various companies she's worked for. She explained that she lives in town, but some of the more exotic sounding locations are the result of remote work. She has municipal experience serving on various committees and as an Administrative Assistant in a department. The Board turned to strengths and weaknesses. Ms. Faiella responded her strengths are her interpersonal skills and management ability. She enjoys working with people, whatever capacity. She felt that a weakness would be denying requests to any employees under her. Saying no to something like a vacation request. There is always a price to be paid when you have to say no to people. The Board noted that Ms. Faiella lacks experience with being a Town Clerk or working in that office and asked her how her existing skill set would work for this job. Ms. Faiella responded that the expectations seem cut and dry in the job description and the relevant statutes. Still, she acknowledged that she would need to learn some things. She noted that somethings may not be in the scope of the job description, but to be a team player you have to take into account if it needs to be done or not. She then took a moment to express some dissatisfaction with the customer service performance of some at Town Hall. The Board responded that up until very recently the Town Clerk in particular has been elected. That person is responsible for management of their office including hours. Now it's appointed and there is greater accountability as this person will answer to the Board and the Town Administrator. As for other employees, part of the problem is that not everyone can legally do everything. A Water Dept. employee can't take a tax payment, for example. The Board then turned to the question of salary expectations. Ms. Faiella noted she understands the job is a salaried job and anticipated the hours would be about 20 per week.

The Board responded that it is indeed a salaried job with no plans to move to hourly. The Board was willing to address issues as they surface. But this is uncharted waters as this will be the first appointed Town Clerk. Ms. Faiella responded her number is negotiable. She acknowledged she is aware of the budgeted sum. She felt that sum to be acceptable. But she would need flexibility. Still, she lives 5 minutes away and would be willing to help. The Board acknowledged that, but noted some perimeters will have to be figured out as things are setup for the new Town Clerk. Ms. Faiella recalled that the current Interim Town Clerk is appointed until June 30th and asked if hired when she'd start and whether there would be training. The Board responded that the current Interim will likely be reappointed until the Special Town Election. Subsequent, she would hopefully assist with training. Otherwise the town has set aside some funds to assist with a consultant. The Board then made clear this won't be easy. The town has that STE coming up in July, then there's

Approved and adopted on 7/5/22

a primary to run in September, then the General Election in November. Mistakes will happen. A big part of the skill set is being able to fix problems and resolve issues. The Board noted the main issue with flexibility in the end is the deadlines and timelines that this office is subjected to. Ms. Faiella conceded that. But she didn't anticipate getting overly stressed in the sense that she's had high stress jobs before. Discussion shifted to certification. Ms. Faiella noted that this certification can't be achieved until after 3 years on the job. The Board conceded that. She then turned to the notary part of the job. She has been a notary, but allowed it to lapse. The Board noted that it would be needed for the job. Mr. Voelker concurred reminding that the Town Clerk often has to notarize the affidavit of mailing for the Treasurer/Collector when that officer sends out tax bills. The Board concluded by thanking Ms. Faiella for interviewing.

➤ *Dianne Reardon*

Mr. Voelker reported that unfortunately Ms. Reardon withdrew herself from consideration just prior to the meeting.

Discussion Regarding Proposal to Replace the Chairs in the Grand Hall

Mr. Swift outlined his proposal from the Dunstable Theater Group. They are proposing the donation of 100 chairs for the Grand Hall. They would be padded folding chairs which the Theater Group would purchase and donate to the town. The current chairs, while historical in nature, are in disrepair and are extremely uncomfortable for any long period of time. The Theater Group routinely puts on performances in the Grand Hall and the one thing that many of its patrons ask for is chairs. He acknowledged that the old chairs would have to find a new home and the Theater Group would be willing to help assist in that. The Board felt that the chairs would need to be preserved in some manner and suggested that Historical Commission may need to be consulted. Mr. Swift reminded we actually have more chairs than needed as some were misplaced during the renovation, it was assumed they were lost and more were procured from a local Grange. Then the misplaced chairs were found. Ms. Davis noted she is the Historical Commission's chair. The chairs are pretty old and the original ones might even be original to the room. She asked if cushions can be used. Mr. Swift responded they have cushions and it's helped, but not enough. The biggest problem is that the room has too many chairs. There are likely around 200 chairs for a room that seats 100. Ms. Davis conceded the chairs aren't the most comfortable. She suggested perhaps better cushions. Mr. Swift could see doing that, but stressed that this proposal is really about finding a long term solution. Ms. Simmons asked some questions about the proposed chairs. Mr. Swift responded they'd be metal folding chairs, but ones with cushions. Ms. Davis understood the appeal, but reminded those present that the Town Hall is a historic building and these chairs are part of the fabric of this building. Mr. Simmons concurred with that noting that these chairs were here when he was a child and he's a retiree. Ms. Davis echoed that. Mr. Swift turned to the excess. He asked if those could be removed. They do in some ways pose a hazard. Ms. Davis could see that, but felt it would need to be done by finding an option to store the chairs somewhere. The Board proposed that the Theater Group could procure the proposed chairs and simply store them elsewhere in between shows. It was suggested that some of the historical chairs could be lent to the Dunstable Rural Land Trust for use in the McLoon Barn which would make room for the new ones to be stored close at hand. Mr. Swift agreed to meet with the Historical Commission to hash out a solution that's amenable to all parties. Ms. Basbanes agreed to reach out to the DLRT.

Review & Acceptance of Management Letter from Auditors

The Board noted that in the absence of the Interim Town Clerk it felt more comfortable with tabling this matter until its next meeting. The Board noted that it's not entirely ready to just accept whatever the Auditors have provided.

Contingency Planning for Any Potential Failure of the Special Town Election Ballot Question

The Board noted this is certainly a hot topic. There have been a number of forums that the GDRSD School Committee has put out on this. The Interim Town Administrator is currently putting together a neutral explanation that the town can publish. The Town Clerk has also advised that parents form a special committee. Such committees can go out and publish information and take positions. The Board stressed it cannot take a position on this. A postcard has been mailed out and of course the neutral explanation. Still, the Board was concerned about what might happen if this fails. Re-votes have failed before in Dunstable. If the School Committee decides to go to Super Town Meeting the town will need to know from Town Counsel what that would look like and what the town's options will be. We can't create the funds out of thin air, so a vehicle would need to be found to fund it if this fails. Mr. Simmons reminded that the question is contingent on the ballot. To his mind, if it fails the school has to accept that. Just like any other department. They can change their capital assessment by removing things from their list. Ms. Simmons reminded that isn't the first choice, they always go for squeezing it out of the town first if they can. She relayed her recollections from one of the schools public forums on this. They seem to think the town just has to come up with the funds. Mr. Simmons concurred reminding that they've had ballot questions fail and they've dealt with it. Especially when Groton says no. There

usually isn't a threat to go to Super Town Meeting when the no is from Groton. Mr. Simmons further reminded that the athletic program was sold as paying for itself, and yet, here in this ballot question some of the funds are for fixing goal posts at a field. The Board concurred and noted that if it has to cut the funds from another department it would be catastrophic for town services. The Board was not of one mind on what the implications of a Super Town Meeting would be. Chief Zbikowski noted that the Super Town Meetings don't always work. They aren't guaranteed Groton's vote. The Board's misgivings were about the potential that it could pass at such a meeting and the town would struggle. The other option is to take some funds out of Stabilization. The problem is that Stabilization is already less than then what DOR says the town should have and lowering it could hurt the town's bond rating. Additionally, the town hasn't been able to put funds into Stabilization for the past decade. Mr. Simmons noted this didn't just spring up overnight. He submitted that the School Committee failed to campaign for this the first time and if there are legal questions the Board should consult Town Counsel. Ms. Simmons recalled the School Committee is trying to get information out including encouraging people to put information out on social media and to engage their neighbors. The Board determined it should consult with Town Counsel. The Board concluded it should call a meeting for June 27th, 2022 at 4:30 pm for that purpose. The Interim Town Administrator should also be included. He isn't present at the moment due to illness. Ms. Flynn asked again about the potential sale of town land to pay for this expenditure. The Board responded that something like that would require different discussions, including in Executive Session, and would likely be opposed by many. Further there's a timing issue. We'd also need a town meeting vote to direct the proceeds.

American Diabetes Associations Request for Approval of 2022 New England Tour de Cure Fundraising Cycle Event & Route through Dunstable

The Board noted this was prior to the pandemic a routine matter. They briefly discussed the route. There was a question of whether a police detail would be needed. Without the Police Chief in attendance the Board determined to proceed with a motion with contingencies noting that with the Rt. 113 Infrastructure Project occurring and other concerns, the town needs to take additional steps.

A motion was made by Ms. Basbanes to move that the Town of Dunstable grant permission to the Tour de Cure to hold their annual bike ride in the Town on August 21, 2022, with the acceptance of the following provisions:

1. That the Tour de Cure receive permission from the Massachusetts Department of Transportation to use a state highway (Rte 113) for this purpose; and
2. That the Tour de Cure enter into a hold-harmless agreement with the Town of Dunstable which releases the Town from any and all liability associated with the use of roadways within the Town of Dunstable for this event (to be prepared by Town Counsel).

Appointments & Resignations

➤ Routine Appointments

The Board went over the lists for this meeting noting that the tradition is to approve them as presented, or to approve as amended. This allows for an omnibus motion for each list rather than individual motions. The Board also considered the lists of Special Police. The town routinely and annually appoints officers from neighboring towns. This meeting will see the Pepperell and Tyngsborough Police Departments appointed.

Annual Appointments 2022 One Year Term

Susan Psaledakis – Town Governance Committee

Marijan Andacic – Nashua River Wild & Scenic Stewardship Council (Primary)

Leah Basbanes – Nashua River Wild & Scenic Stewardship Council (Alternate)

David Tully, Sr. – Dunstable Rep. to the Lowell Regional Transit Authority

Jakob Voelker – Rep. to North Central Health Insurance Group (Primary)

Susan Bresnick – Rep. to North Central Health Insurance Group (Alternate)

Annual Appointments 2022 Three Year Term

Jeffrey Rosen – Capital Planning Committee

A motion was made by Ms. Basbanes to approve the list of Annual Appointments as enumerated and dated June 21st, 2022, and to dispense with reading of the list. The motion was seconded by Mr. Mikol and passed without objection.

Approved and adopted on 7/5/22

A motion was made by Mr. Mikol to approve of the Pepperell Special Police Appointments as enumerated and listed in a letter from the Pepperell Police Chief dated May 18th, 2022, and to dispensing with a reading of the list aloud. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Mr. Mikol to approve of the Tyngsborough Special Police Appointments as enumerated and listed in a letter from the Tyngsborough Police Chief dated June 1st, 2022, and to dispensing with a reading of the list aloud. The motion was seconded by Ms. Basbanes and passed without objection.

➤ Fire Chief Ranking & Possible Appointment

The Board noted that it is ready to rank the candidates. It wasn't comfortable with doing much further until after Executive Session. That said, the Board noted it has to do somethings in public session. Mr. Voelker noted that the Board needs to essentially determine who it wants to make an offer to and then in Executive Session to determine the compensation package to be offered. The Board noted that all three individuals did well. The majority felt that Mr. Roy was first, Mr. Ferrell second, and Mr. Valentine ranked as third. One member felt it should be Mr. Ferrell first, Mr. Roy second, and Mr. Valentine third.

A motion was made by Ms. Basbanes to formally rank the candidates as Mr. Roy first choice, Mr. Ferrell second, and Mr. Valentine third and to consider contract negotiations for the formation of a job offer package in Executive Session. The motion was seconded by Mr. Mikol and passed without objection.

Interim Town Administrators Report

Due to Mr. DeManche's absence at this meeting the Board dispensed with the report.

Executive Session

Leah D. Basbanes made a motion to enter Executive Session for purposes of discussing negotiations for nonunion personnel (Fire Chief) in accordance with MGL Chapter 30A, §21(a)2, and with the intention not to return to ordinary session. The motion was seconded by Ronald J. Mikol. The motion was adopted by unanimous vote by Leah D. Basbanes, Kieran D. Meehan, and Ronald J. Mikol.

The Board entered into Executive Session at 6:11 pm

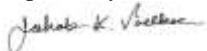
Minutes

The Board reviewed the minutes for May 26th, May 31st, and June 7th, 2022. The Board seeing no reason not to approve the minutes determined to do so.

A motion was made by Mr. Mikol to approve the minutes of May 26th, May 31st, & June 7th, 2022 as written. The motion was seconded by Ms. Basbanes and passed without objection.

A motion to adjourn was made by Ms. Basbanes at 7:35 pm. The motion was seconded by Mr. Mikol and passed unanimously.

Respectfully submitted by



Jakob K. Voelker, Assistant Town Administrator